

Matthew Kuelt

ORIGINAL

T.C.L.F.
295 Hwy 49 South
Honolulu, MS 38963
Plaintiff pro se

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JAN 18 2006

at 8 o'clock and 15 min. 9 AM
SUE BEITIA, CLERK

In the United States District Court
For the District of Hawaii

Matthew Kuelt
Plaintiff

vs.
State of Hawaii
Dept of Public Safety
et al
Defendants

Civil No. 04-00489 HG- KSB

Plaintiffs Opposition to
Magistrate Granting Summary
Judgment for Defendants

(Comes Now Plaintiff Matthew Kuelt pro se and
in forma pauperis)

Plaintiff declares under the penalty of Law and
perjury that the foregoing is true and based on
fact and personal knowledge.

Plaintiff Complaint stems from an assault
in which a 270 LB inmate slugged plaintiff in
the side of his jaw breaking his jaw and causing
bleeding from ear and mouth and also causing
a prolonged period of confusion and disorientation and
serious pain as well as malalignment of teeth & nerve damage.

Plaintiff received superficial medical
examination and treatment on day of assault
and was after this superficial medical treatment
placed in (the hole) segregation and received
superficial treatment after ward up until about
14 days later. Because of continued complaints and
escalating pain he received an X-ray revealing
a fracture and also revealing that the fracture had
fused back together resulting in nerve damage and

misalignment of Plaintiff's teeth as well as other complications stemming from the injury and the denial of adequate medical treatment on the day of the injury.

Plaintiff alleges reckless disregard and reckless indifference ~~on not~~ providing emergency care on day of injury that could have and should have been done concerning a serious painful injury.

Plaintiff alleges Medical Unit and Doctor are not adequately trained and are not following rules and instruction regarding serious injuries as well as having demonstrated reckless disregard for emergency needs in the past on other prisoners who also filed lawsuits and also grievance Medical Unit.

Plaintiff alleges that any reasonable person let alone a Medical Doctor or Medical personnel would understand that a high probability existed and a certain likelihood that Plaintiff's Jaw was broken a good indication is that Blood was flowing from his Mouth and Ear.

Medical Doctor or and Medical personnel would understand that a high probability existed and a certainly likelihood that with out emergency treatment right away (setting Bone) and other preventative medical treatment that this would result in future harm, permanent injury, misalignment of Jaw, Nerve damage and or Medical Complications arising from the denial of Emergency Care - and Emergency treatment.

On day of assault Plaintiff could not adequately communicate his concern for the Broken Jaw and his need for emergency care because of a Concussion and Confusion (dazed) on day of superficial medical treatment and day of assault.

Plaintiff Claims a Continuing injury attributable to the denial of Emergency Care - and Defendants never adequately explained why the Obvious Escaped them in the face of a Serious injury.

this Conduct rises to the level of deliberate indifference reckless indifference and deliberate disregard to adequate Medical Care for a Serious Observable painful injury and plaintiffs claim reasonable that this Qualifies under

Estelle v. Gumble 97 S.Ct 285

Hunt v. Rental Dept 865 F.2d 198

Ashker v. Calif Dept of Corrections 112 F.3d 392

Jones v. Blanas 393 F.3d 918 at 918 # [1] Federal Courts 752

Plaintiffs arguments, Statements and Law are support for his Opposition herein and may the Honorable Judge will reconsider and deny Defendants Motion for Summary Judgement also Plaintiff prays the Honorable Judge will also Consider all other Motions and pleading from Plaintiff.

Respectfully Submitted

Matthew Kvolt

Date Jan 5, 2006

Matthew Kvolt
Plaintiff pro se

In the United States District Court
For the District of Hawaii

Matthew Kuolt
Plaintiff

Cv. 04-00489-HG, KSC

Vs.

Certificate of Service

State of Hawaii
Dept of Public Safety
et al. Defendants

Certificate of Service

There by Certify that a true and correct
copy of the foregoing document was duly served
by mail on the following at his last known
adress via Mail postage pre paid.

Kendall Moser
425 Queen Street
Honolulu, Hawaii 96813
Deputy Attorney General
for Defendants

Date Jan-5, 2006

Matthew Kuolt
Matthew Kuolt
Plaintiff Pro se